

16701

NOTICE OF PROPOSED RULE ADOPTION
STATE OF MISSISSIPPI
Office of Health Schools
Bureau of Coordinated School Health

Office of Healthy Schools
c/o Shane McNeill
Robert E. Lee Building
239 North Lamar St. Suite 601
P.O. Box 771
Jackson, MS 39205

601-359-1737
psmcneill@mde.k12.ms.us



Specific Legal Authority authorizing the promulgation of
Rule: State Board Policy 4011

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: State Board Policy 4011 was adopted in January 2008. These regulations offer schools a standard for improving the nutritional quality of school meals. These requested recommendations are to provide clarification to the current standards and a continued commitment to gradually improving the meals served in Mississippi through the Child Nutrition Program. The recommendations are also based on a recent evaluation conducted by the Center for Mississippi Health Policy in Mississippi Public Schools and a recent report from the Institute of Medicine (IOM). As part of their recommendations, milk fats should be limited to no more than 1% (low-fat) and schools should offer a variety and larger amounts of fruits, vegetables and whole grain products. Based upon findings from the Center for Mississippi Health Policy, the recommendations outlined in the IOM report, and USDA's consideration of these recommendations within published guidance, we are recommending modifying State School Board Policy 4011 as follows:

- Clarify sub-groups of fruits and vegetables;
- Reduce the maximum milk fat allowance from 2% to 1%;
- Add requirement to submit long range plan to eliminate fryers; and
- Add minimum number of servings per week of whole grain foods.

This rule is proposed as a ☐ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

☐ An oral proceeding is scheduled on this rule on Date: {Insert Date} Time: {Insert Time}
Place: {Insert Place}

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least ____ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☒ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

☒ The agency has determined that an economic impact statement is not required for this rule, or

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: March 17, 2010

Proposed Effective Date of Rule: April 19, 2010

Shane McNeill
Signature and Title of Person Submitting Rule for Filing